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11 **United States District Court**  
12 **Eastern District of California**

13 Javier Maldonado,  
14  
15 Plaintiff,

16 vs.

17 County of Tulare, California, Michael  
18 Boudreaux, in his official capacity as  
19 Tulare County Sheriff, and one or more  
20 of his deputies,

21 Defendants.

Case Number:

COMPLAINT FOR DAMAGES:

**[FALSE ARREST; DEPRIVATION  
OF FEDERAL CIVIL RIGHTS (42  
U.S.C. § 1983); INTERFERENCE  
WITH EXERCISE OF STATE OR  
FEDERAL RIGHTS (Cal. Civ. Code  
§ 52.1)]**

**JURY TRIAL DEMANDED  
ON ALL CAUSES**

22  
23 Plaintiff Javier Maldonado ("Maldonado") here alleges, for a cause of action, the  
24 following against defendants and each of them as follows:

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## JURISDICTION :

1. This is a civil action at law, seeking redress for the deprivation of rights, privileges, or immunities secured to Maldonado by the Constitution and laws of the United States to wit: the right to be free in his person, papers, and property of unreasonable search and seizure, depravation of which under color of state law is hereinafter alleged to have occurred in the Eastern District of California. As a result of these actions on the part of defendants as more particularly alleged *infra*, a cause of action arose in favor of plaintiff pursuant to the provisions of 42 U.S.C. § 1983. Therefore, original jurisdiction in that matter exists in the above-entitled court pursuant to the provisions of 28 U.S.C. § 1331. Moreover, the rights sought here to be redressed by Maldonado are, *inter alia*, secured to him by Amendment IV and Amendment XIV of the Constitution of the United States of America and the laws enacted pursuant thereto as hereinafter alleged and therefore constitute civil rights as that term is contemplated by the provisions of 28 U.S.C. § 1343(a)(4) and therefore original jurisdiction is further vested in this court pursuant to the provisions of 28 U.S.C. § 1343(a)(4).
2. In addition, to the foregoing, Maldonado hereinafter alleges causes of action arising pursuant to the statutory and common law of the State of California, As more particularly alleged hereafter these causes of action arose in substantial part, from essentially the same conduct by the same parties

1 alleged to have given rise to plaintiff's cause of action under 42 U.S.C. §  
2 1983. As more particularly alleged *infra*, the conduct giving rise to the  
3 causes of action alleged pursuant to the laws of the State of California are  
4 so identical as to be directly related to the conduct alleged to violate the  
5 laws and/or Constitution of the State of California and subject to the me  
6 proof as to constitute an integral and elemental part of Maldonado's action  
7 for relief under federal law. Consequently, the above-entitled court enjoys  
8 supplemental jurisdiction over those causes of action under 28 U.S.C. §  
9 1367 providing jurisdiction in the above-entitled court to preside over  
10 plaintiff's state law claims as hereinafter alleged.

### 11 **FACTS COMMON TO ALL CAUSES OF ACTION :**

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- 15 3. Within six (6) months prior to the events alleged to constitute causes of
- 16 action in the above-entitled matter, Maldonado duly presented to defendant
- 17 County of Tulare, California a written claim prescribed by the Government
- 18 Code of the State of California by way of precipitating recovery of damages
- 19 Maldonado alleges he has suffered as more particularly set forth *infra*.
- 20 That claim was duly presented in writing to the Clerk of the Board of
- 21 Supervisors of the County of Tulare, California in strict accordance with
- 22 the provisions of California Government Code, section 905, *et. seq.* On
- 23 August 30, 2022, the County of Tulare gave written notice to Maldonado
- 24 that it had received his written claim for damages on August 1, 2022 and
- 25 had thereafter rejected that claim.
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- 1           4.     Defendant, County of Tulare, (“County”) is and at all times material hereto,  
2           was, a public entity taking the form of a general law county, subject to the  
3           provisions set forth in the California Government Code, as well as the  
4           Constitution of the State of California, the laws of the state, the  
5           Constitution of the United States, and, the laws of the United States.  
6
- 7           5.     Defendant, Michael Boudreaux, (“Boudreaux”) is and at all times material  
8           hereto was the duly elected and serving Tulare County Sheriff: an officer of  
9           the defendant County of Tulare, California.  
10
- 11          6.     On Saturday, June 4, 2022 at approximately 10:00 P.M. the plaintiff,  
12           Maldonado, was at a family residence at the location of 19230 Avenue 242  
13           Lindsay, California 93247. Maldonado was entertaining a number of guests  
14           and was playing music through an amplified sound device and music player  
15           amplifying device at a level never exceeding 65 decibels at the boundary of  
16           the real property.  
17
- 18          7.     At all times, Maldonado ensured by periodic checks and careful monitoring  
19           that he was in compliance with Title 5-01, Section 1215 of the Ordinance  
20           Code of Tulare County; to wit : Maldonado checked his sound equipment  
21           regularly to ensure that the noise level occurring on the property would not  
22           exceed 65 decibels as measured at the boundary of the real property from  
23           the hours of 11:00 P.M. to 8:00 A.M. Maldonado took further efforts to  
24           ensure that the noise level occurring on the property would not exceed 65  
25           decibels as measured at the boundary of the real property even before the  
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commencement of Quiet Hours as that term is defined in Title 5-01, Section 1215 of the Ordinance Code.

8. At no time on June 4, 2022 did any guest thereon the property shout, group chant, play any acoustic musical instruments, or, start, operate, repair, rebuild or test any motor vehicles of any kind thereon the property.

9. At this time and place, one or more deputies of the defendant, Boudreaux, entered unto the plaintiff's private property, and confronted plaintiff, advising him that there were complaints about the level of noise and ordering him to reduce the volume of music that he was playing, despite the fact that Maldonado pointed out to them that at this time and place, it was not "Quiet Hours" as that term is defined in Title 5-01, Section 1215 of the Ordinance Code of Tulare County because it was earlier than 11 P.M. on a Saturday evening. Nevertheless, in a spirit of cooperation, Maldonado advised the deputies that he would continue to monitor the sound and keep it at, or below, a regulated volume of 65db.

10. Notwithstanding this response from Maldonado as set forth in the preceding paragraph, one or more deputies of the defendant, Boudreaux, then and there seized the person of Maldonado by arresting him forthwith and transporting him against his will to the Tulare County Jail for detention at the Porterville Sheriff's Detachment.

11. The seizure of Maldonado's person, as described in the preceding paragraph, occurred at or near 10:00 P.M., on June 4, 2022 and was effected

by one or more deputies of the defendant, Boudreaux for the purpose of arresting Maldonado without warrant and without probable cause to believe that Maldonado was then and there violating any statutory, or other law, regulation, or constitutional provision of the County of Tulare, California, the State of California, or of the United States of America.

12. No exceptions to the requirement of Amendment IV as incorporated in Amendment XIV of the United States Constitution then and there were applicable to allow an arrest of Maldonado to be made without warrant for the arrest of Maldonado. Among other things, and without limitation by alleging same, the term “at that time and place” was at or near 19230 Avenue 242 Lindsay, California 93247 on June 4, 2022 at the approximate hour of 10:00 P.M.

13. At approximately 10:15 P.M one or more deputies of the defendant, Boudreaux, secured Maldonado’s person and unlawfully in violation of his will, removed Maldonado from 19230 Avenue 242 Lindsay, California 93247 and then and there transported Maldonado to the Tulare County Jail at the Porterville Sheriff’s Detachment for detention in the custody of the Tulare County Sheriff’s Office.

14. As a result of the seizure and transportation of Maldonado’s person by the deputies, Maldonado remained in the continuous custody of Boudreaux who knew, or should have known that Maldonado’s arrest was without warrant and without exception to the warrant requirement, that it was effected by

his officers without probable cause, and that it was the only basis for Maldonado's continuing detention in the custody of Boudreaux.

15. The actions of the deputy sheriff, or sheriffs as described above were done in the course and scope of their employment as officers and/or agents of Boudreaux and the County of Tulare, California and pursuant to a policy, custom, or practice of said County instituted by Boudreaux that included maintaining order and authority by arresting, transporting, and detaining with or without warrant or probable cause, any person who did not obey a lawful, or unlawful order of any deputy of Boudreaux, or the County of Tulare, California.

16. Alternatively, if the conduct of the deputies as alleged at the time and place set forth above was not conducted pursuant to a policy, custom, or practice of the County of Tulare, it was done by the deputies with the express knowledge and understanding, that it was unlawful conduct, or that it was conduct that a reasonable deputy, with ordinary knowledge and training, would understand was in violation of the civil rights of defendant to engage in conduct that is protected by the laws and Constitution of the United States.

17. This arrest of Maldonado that took place on June 4, 2022 at approximately 10:00 P.M, as well as his non consensual transportation and detention occurred in such an open place that it was witnessed by more than twenty-five citizens of Tulare County where Maldonado has traditionally enjoyed a

1 long-standing reputation for being a philanthropic local restaurateur  
2 heavily engaged in civic involvement with board positions on local  
3 organizations such as the Lyons Club for Tulare County, the League of  
4 United Latin American Citizens for Tulare County, and, public support of  
5 the local police and sheriff's departments and whose commitment, public  
6 and private, to obedience and subservience to the laws were above reproach.  
7

- 8  
9 18. As a result of the arrest and detention of Maldonado as a result of the  
10 actions and omissions of County and Boudreaux, Maldonado suffered  
11 physical injury to both of his hands, including bruising, as well as emotional  
12 distress, embarrassment, obloquy, and loss of reputation in the community  
13 as hereinabove set forth, all to his damage in a sum according to proof.  
14

15 **FIRST CAUSE OF ACTION**  
16 **(False Arrest Without A Warrant By A Peace Officer –**  
17 **Against Deputies, County, & Boudreaux)**

- 18 19. Maldonado hereby incorporates by reference all of the allegations of  
19 paragraphs 1 through 18 inclusive, as if fully set forth herein.  
20  
21 20. No deputy, Boudreaux, nor any officer, or agent of the County of Tulare,  
22 California had knowledge of any fact, or evidence prior to the arrest of  
23 Maldonado as hereinabove alleged, that would justify taking Maldonado  
24 into custody, detaining him, or arresting him for any reason and no such  
25 knowledge was subsequently obtained by any deputy, Boudreaux, nor any  
26 officer, or agent of the County of Tulare, California.  
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- 1           21.    No conduct on the part of Maldonado constituted evidence of some  
2                   condition, or circumstance that authorized any deputy, Boudreaux, nor  
3                   any officer, or agent of the County of Tulare, California to take Maldonado  
4                   into their custody against his will, to detain him, or to transport him  
5                   against his will to any detention facility, or otherwise to remove him,  
6                   without his consent from 19230 Avenue 242 Lindsay, California 93247.  
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9           22.    Accordingly, by removing Maldonado against his will from 19230 Avenue  
10                  242 Lindsay, California 93247 and transporting him against his will to the  
11                  detention facility as hereinabove alleged and detaining him there for any  
12                  period of time, constituted false arrest and detention in violation of the laws  
13                  of the State of California and directly and proximately caused injury to  
14                  Maldonado, all to his damage according to proof.  
15  
16          23.    This arrest of Maldonado that took place on June 4, 2022 at approximately  
17                  10:00 P.M, as well as the events that directly and proximately followed that  
18                  arrest, was witnessed in whole, or in part, by more than twenty-five  
19                  citizens of Tulare County where Maldonado has traditionally enjoyed a  
20                  long-standing reputation as a philanthropic local restaurateur, heavily  
21                  engaged in civic involvement with board positions on local organizations  
22                  such as the Lions Club for Tulare County, the League of United Latin  
23                  American Citizens for Tulare County, and, public support of the local police  
24                  and sheriff's departments and whose commitment, public and private, to  
25                  obedience and subservience to the laws were above reproach. This visible  
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1           arrest and detention directly and proximately caused those people  
2           witnessing same, together with any other person to whom they related the  
3           incident, to lose respect for Maldonado and to erroneously consider him an  
4           untrustworthy and unreliable person and to conclude that his protestations  
5           of respect for law and order should not be credited and that as a result he  
6           should be suspected of other unlawful conduct, and economically shunned.

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9       24.   The deputy(ies) were animated by anger and pique in doing the things  
10          herein alleged because Maldonado failed to obey and, instead questioned  
11          the lawfulness of their orders. As a result of their anger and pique, the  
12          deputies desired to and acted unlawfully in such a way deliberately  
13          calculated to cause injury to Maldonado and to arrest him and bring public  
14          charges against him in violation of his civil rights.

15  
16       25.   As a result of the wrongful arrest effected as hereinabove set forth,  
17          Maldonado suffered physical injury to both of his hands, including bruising  
18          because the deputy sheriff that performed the arrest performed a pat-down  
19          search of Maldonado's person, using unjustifiable, excessive force, to wit:  
20          handling Maldonado's person roughly, prodding and palpating much more  
21          intrusively than necessary on and around Maldonado's private parts, and  
22          making unwarranted and deliberate rude comment about Maldonado's  
23          physical stature. Further, despite the fact that Maldonado was cooperating  
24          completely with the deputies in securing his person with handcuffs, the  
25          deputy sheriff that effected the handcuffing did so that one or both of  
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Maldonado's hands suffered visible contusions and limited his range of motion in his hands even after the restraints had been removed.

26. As a direct and proximate result of the injuries inflicted unto Maldonado by the deputy(ies) of Boudreaux as articulated hereinabove, Maldonado was forced to incur medical expenses to treat and monitor the healing of his wrist all to his damage in a sum according to proof.

27. As a direct and proximate result of the actions of the deputy sheriff at the direction of Boudreaux. Maldonado suffered emotional distress, embarrassment, obloquy, insofar as Maldonado had to endure the indignity of having his peers in a community wherein Maldonado is well known and enjoys prominent status therewithin, witness Maldonado being restrained against his will and subsequently transported in the back seat of a police car away from a party that he hosted.

28. As a direct and proximate result of his being falsely arrested, Maldonado was forced to incur additional advertising expenses in attempts to rectify his reputation and mitigate ensuing damage thereto resultant from the attendant damage to his reputation.

29. As a proximate result of the actions of the deputy sheriff at the direction of Boudreaux, in transporting Maldonado against his will to the Tulare County Jail at the Porterville Sheriff's Detachment, and detaining Maldonado therein for an excessive period of time, Maldonado suffered emotional distress, embarrassment, obloquy, and loss of reputation in the community insofar as

1 Maldonado had his peers in a community wherein Maldonado is well known  
2 and enjoys prominent status therewithin, witness Maldonado being  
3 restrained against his will and subsequently transported to the Tulare  
4 County Jail where he was detained for a prolonged period of time resulting in  
5 substantial emotional distress, mental anguish, and recrimination on the  
6 part of Maldonado.  
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9 30. As a proximate result of the acts and omissions as articulated hereinabove,  
10 Maldonado has suffered general damages in sum according to proof at trial.

11 WHEREFORE, the plaintiff prays judgment as hereinafter set forth.

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13 **SECOND CAUSE OF ACTION**  
14 ***(Deprivation of Federally Protected Rights Brought under 42 U.S.C. § 1983 –***  
15 ***Against Deputies, County, & Boudreaux)***

16 31. Maldonado hereby incorporates by reference all of the allegations of  
17 paragraphs 1 through 30 inclusive, as if fully set forth herein.

18 32. The plaintiff, Maldonado, was fully within his rights as an occupier of land  
19 to entertain guests on that land, including, but not limited to presenting  
20 them with amplified music within the restrictions on that activity set forth  
21 in Ordinance of Tulare County, California on Saturday and he was enjoying  
22 those rights in lawful occupation of a residential property located at 19230  
23 Avenue 242 Lindsay, California 93247. Additionally, Maldonado enjoyed  
24 the right as provided under the Fourth as incorporated by the Fourteenth  
25 Amendment to the Constitution of the United States, to be secure in his  
26 person, property, and effects, against unreasonable searches and seizures.  
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1           33.    At that time and place, defendants, County, Boudreaux, and one or more of  
2                   his deputies, acting under color of California law, caused Maldonado to be  
3                   subjected to the deprivation of rights, privileges, or immunities secured to  
4                   him by the Constitution of the United States by then and there conducting  
5                   an unreasonable seizure of Maldonado's person when one or more deputies  
6                   of Boudreaux arrested Maldonado, without warrant and without probable  
7                   cause to believe that Maldonado was then and there violating any statutory,  
8                   or other law, regulation, or constitutional provision of the County of Tulare,  
9                   California, the State of California, or the United States of America.

10           34.    As alleged *inter alia*, on the date of June 4, 2022 at approximately 10:00  
11                   P.M. at the location of 19230 Avenue 242 Lindsay, California 93247,  
12                   Maldonado was falsely arrested and subsequently transported to Tulare  
13                   County Jail and detained by a deputy sheriff at the direction of Boudreaux,  
14                   without warrant and without exception to the warrant requirement, where  
15                   such arrest was witnessed by more than twenty-five citizens of Tulare  
16                   County, California where Maldonado has traditionally enjoyed a long-  
17                   standing reputation for philanthropy and civic involvement with local  
18                   organizations such as the Lyons Club, the League of United Latin American  
19                   Citizens, and public support of the local police and sheriff's departments,  
20                   and where such actions were purported to have been conducted in  
21                   furtherance of a noise ordinance respecting the amount of decibels in sound  
22                   that may be emitted at the hour of 10:00 P.M. therefrom the park located  
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1 at 19230 Avenue 242 Lindsay, California 93247, despite the fact that the  
2 Tulare County Sherriff, neglected to, elected to, or otherwise failed, to  
3 perform any reasonable inquiry into the amount of decibels in sound that  
4 were being emitted there and then, and further, neglected to, elected to, or  
5 otherwise failed, to investigate whether Quiet Hours had commenced  
6 in accordance with the Ordinance Code of Tulare County.  
7

8  
9 35. As a direct and proximate result of the actions of the deputy sheriff at the  
10 direction of Boudreaux in his official capacity as Tulare County Sherriff in  
11 arresting and transporting Maldonado against his will to the Tulare County  
12 Jail at the Porterville Sheriff's Detachment, and detaining Maldonado  
13 there for an excessive period of time, Maldonado suffered physical injuries  
14 as well as emotional distress, embarrassment, obloquy, and loss of  
15 reputation in sum according to proof at trial.  
16

17  
18 36. As a further direct and proximate result of the actions of the Tulare County  
19 Sherriff, Maldonado suffered deprivation of rights, privileges, or  
20 immunities secured to him by the Constitution and laws of the United  
21 States respecting his autonomy over his person absent due process by way  
22 of his arrest by a peace officer, without warrant, without exception to  
23 warrant requirement and ultimately without due process, all to his damage  
24 in a sum according to proof.  
25

26 WHEREFORE, the plaintiff prays judgment as hereinafter set forth.  
27

28 ///

**THIRD CAUSE OF ACTION**  
**(Violation of California Civil Code § 52.1—**  
**Against Deputies, County, & Boudreaux)**

37. Maldonado hereby incorporates by reference all of the allegations of paragraphs 1 through 36 inclusive, as if fully set forth herein.

38. As codified by Section 52.1 of the California Civil Code (The Bane Civil Rights Act), California Law forbids anyone—whether or not acting under color of law—from interfering by force or by threat of violence with another individual’s federal or state constitutional or statutory rights.

39. As alleged *inter alia*, the plaintiff, Maldonado, was fully within his rights as a homeowner to entertain guests on his property and play music at a level not exceeding 65 decibels at the boundary of the real property at the hour of 10 P.M. on Saturday thereon his family premises at 19230 Avenue 242 Lindsay, California 93247, and, Maldonado enjoyed the right as provided under the Fourth and Fourteenth Amendment to the Constitution of the United States, to be secure in his person, and effects, against unreasonable seizures at such time when Maldonado was at his family residence playing music at a level not exceeding 65 decibels at the boundary of the real property before the commencement of Quiet Hours as that term is defined in Title 5-01, Section 1215 of the Ordinance Code of Tulare County, in compliance with Title 5-01, Section 1215 as well as every other pertinent portions contained therein the Ordinance Code of Tulare County.

40. Such arrest was effected under color of law insofar as the deputy was in

uniform, with badge and weapons equipment secured in holster, with reasonable appearance that failure to acquiesce to the deputy's demands would result in imminent harm and or punishment or may otherwise result in a violation of law.

41. As noted inter alia, as a direct and proximate result of the actions of the Deputy(ies) of Boudreaux in arresting and transporting Maldonado against his will to the Tulare County Jail at the Porterville Sheriff's Detachment, and detaining Maldonado therein for an excessive period of time, Maldonado suffered physical injuries as well as emotional distress, embarrassment, obloquy, and loss of reputation in sum according to proof at trial.

50. As a further direct and proximate result of the actions of the Deputy(ies) of Boudreaux, Maldonado suffered deprivation of his rights, privileges, or immunities secured to him by the Constitution and laws of the United States respecting seizure of his person absent due process by way of his arrest by a peace officer, without warrant, without exception to warrant requirement and ultimately without due process, and those rights secured to him by the Constitution and laws of the state of California respecting same so resulting in sufferance of damages in sum according to proof at trial.

**PRAYER:**

**WHEREFORE,** plaintiff prays judgment enter in his favor and against defendants as follows:



1. For compensatory damages in the sum of five million dollars (\$5,000,000.00) or according to proof for damages sustained as a direct and proximate result of the actions of the deputies of Boudreaux; to wit: Maldonado's medical expenses to treat and monitor the healing of his wrist; Maldonado's psychological / counseling treatment expenses incurred to overcome the emotional anguish and loss of his feelings of personal security; Maldonado's additional advertising expenses incurred in attempts to rectify his reputation; Maldonado's loss of income so incurred as a result of the damage to reputation so effected by the actions of one or more of the deputy(ies) of Boudreaux.
2. For general damages in the amount of ten million dollars (\$10,000,000) or a sum according to proof ensued by Maldonado's loss of personal security, loss of reputation and community esteem, and other mental anguish and emotional distress resulting from the conduct of one or more defendants as hereinabove alleged.
3. For costs of suit;
4. For reasonable attorney's fees pursuant to the provisions of 42 U.S.C. § 1988;
5. For such other and further relief as the court deems just and appropriate.

**ROMAINE LOKHANDWALA LAW GROUP, LLP.**

Dated: November 22, 2022

s/ William A. Romaine,  
Attorneys for Plaintiff

JAVIER MALDONADO v. COUNTY OF TULARE, ET. AL.  
Complaint For Damages